## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) ) 8:11MJ193					
	Plaintiff,	)			
	vs.	) DETENTION ORDER			
DA	NIEL KORCEK,	<b>,</b>			
	Defendant.	) )			
A.	Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on September 13, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).				
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>				
C.	The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:				
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant is The defendant d ties. Past conduct of t X The defendant hat X The defendant hat X The defendant hat X The defendant hat	of the defendant including:  ppears to have a mental condition which er the defendant will appear.  as no family ties in the area.  as no steady employment.  as no substantial financial resources.  not a long time resident of the community.  oes not have any significant community  he defendant:  as a history relating to drug abuse.  as a history relating to alcohol abuse.  as a significant prior criminal record.  as a prior record of failure to appear at			

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		(b)	Pro	of the current arrest, the defendant was on:  bation
			Par	
		(0)		pervised Release
		(C)		e defendant is an illegal alien and is subject to portation.
			The	e defendant is a legal alien and will be subject to portation if convicted.
			The	e Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal.
_X_	(4)	releas	se are as follo	seriousness of the danger posed by the defendant's ows: the nature of the charges in the Complaint and the all and substance abuse history.
Χ	(5)	Rebu	ttable Presu	mptions
	` '	In dete	ermining that	the defendant should be detained, the Court also relied
				rebuttable presumption(s) contained in 18 U.S.C. §
				Court finds the defendant has not rebutted:
	X	(a)		ondition or combination of conditions will reasonably
				appearance of the defendant as required and the safety
				person and the community because the Court finds that
			the crime in	
				A crime of violence; or
			(2)	An offense for which the maximum penalty is life
				imprisonment or death; or
			(3)	A controlled substance violation which has a maximum
				penalty of 10 years or more; or
			(4)	A felony after the defendant had been convicted of two
				or more prior offenses described in (1) through (3)
				above, and the defendant has a prior conviction for
				one of the crimes mentioned in (1) through (3) above
				which is less than five years old and which was
				committed while the defendant was on pretrial release.
		(b)	That no cor	ndition or combination of conditions will reasonably
		_ ` `	assure the a	appearance of the defendant as required and the safety
			of the comr	nunity because the Court finds that there is probable
			cause to be	lieve:
			(1)	That the defendant has committed a controlled
				substance violation which has a maximum penalty of
				10 years or more.
			(2)	That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and
				in relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment
				if committed by the use of a deadly or dangerous
				weapon or device)

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 13, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge